



INTELLECTUAL PROPERTY
402-391-4448

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September 30, 2006

Commissioner for Patents
Box: 1450
Alexandria, VA 22313-1450

RE: APPLICATION OF JOHS ET AL. TITLED: "ROTATING OR ROTATABLE
SPECTROSCOPIC ELLIPSOMETER SYSTEM INCLUDING MULTIPLE ELEMENT
LENSES";
SERIAL NO.: 10/829,620;
FILE DATE: 04/22/2004;
ART UNIT: 2877;
EXAMINER: ISIAKA O. AKANBI.

Dear Sir;

I am in receipt of an Action dated 09/26/06 regarding the
identified Application.

The Examiner has Allowed Claims 1-4 and 12, but rejected
Claims 5-11 and 13-15 based on Sections 103 and 102 in view of a
Patent to Jellison Jr. et al. No. 5,956,147.

In response, Applicant accepts Allowance of Claims 1-4 and
12 and in this Application abandons Claims 5-11 and 13-15. Said
Canceled Claims will again be presented in a CIP. This response
is not an admission that Claims 5-11 and 13-15 are not
Patentable. In fact, it is strongly forwarded that said Claims
are Patentable as the present Application has priority over
Jellison 147 via a Chain of Priority, and further, Jellison does
not describe a rotating or rotatable compensator system, but
rather a modulation element system which is very different.
This will be focused on in a forthcoming Application.

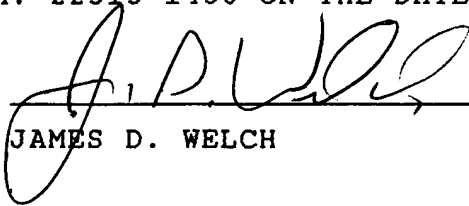
Sincerely,

JAMES D. WELCH

JW/hs

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JAMES D. WELCH

9/3/06
DATE